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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,380	06/27/2001	John M. Baron	10005759-1	5550

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EXAMINER

SMITH, ARTHUR A

ART UNIT PAPER NUMBER

2851

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,380

Applicant(s)

BARON, JOHN M.

Examiner

Arthur A Smith

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,23,24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21,23,24 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's arguments filed 9/30/02 (paper #5) have been fully considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell et al. (USPN 5103254).

In reference to claims 1, 3, 4, and 6-28, Bell et al. discloses a method of automatically highlighting focused objects within a preview window comprising the steps of: receiving a digital representation of an image; determining a near focus distance; identifying near portions of objects within the image at the near focus distance; determining a far focus distance; identifying far portions of objects within the image at the far focus distance, and highlight the near portions and the far portions of the objects within the image, col. 7 line 51 - col. 8 line 2. Bell et al. also discloses an image sensor, ref. 40, responsive to a light image projected onto the image sensor for providing image data; an adjustable focus lens, ref. 44, configured to project the light image onto the image sensor; a controller configured to adjust a focus of the adjustable focus lens and receive the image data from the image sensor, the controller further configured to distinguish portions of the image data that represent focused portions of the light image from portions that are not in focus, col. 4 line 40 - col. 5 line 27; a display configured to

display the image data together with highlighting distinguishing the portions of the image data that represents the focused portions of the light image from portions that are not in focus, col. 4 lines 1-25.

In reference to claims 2 and 5 Bell et al. discloses displaying a digital image including the highlighted near and far portions, col. 3 lines 40 - 54.

Response to Arguments

Applicant's arguments filed 9/30/02 have been fully considered but they are not persuasive. Applicant has added the limitation of "receiving an indication to disable highlighting of said near portions and said far portions" to claims 1 and 17. However, the indication to disable the highlighting portions can come in the form of taking the photograph. This limitation is inherent in Bell et al. Once the user has taken the photograph, the highlighting portions would be disabled so that the user could take a new photograph.

In reference to claim 2, Bell et al. teaches that the subject selected by the autofocus as well as the depth of field can be highlighted, col. 4 lines 22-25. Further, the depth of field would certainly include the near and far portions, col. 7 lines 51-59.

In reference to claim 6, as seen in fig. 4, and col. 4 lines 25-37, the camera controller, ref. 74, does receive the image from the image sensor, ref. 40, through the A/D converter, ref. 66, memory, ref. 68, and the gradient operator, ref. 70.

In reference to claim 10, Bell et al. teaches that the camera controller through the gradient operator can determine contrast values, col. 4 line 67 - col. 5 line2.

In reference to claim 21, the limitation of blinking the highlighted areas are inherent in the teachings of Bell et al. Col. 4 lines 18-25 indicate that not only can the subject outline be made brighter but could also alternately be dimmed.

Further, in regard to Applicant's amendment of claim 23 to add the limitation of "an image compressor configured to perform compression of image data," the A/D ref. 66 would read on this limitation. The image data is being compressed from an analog image to a digital image requiring less data that can be more easily manipulated.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (703) 605 1228. The examiner can normally be reached on M-R (8:00-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308 2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872 9318 for regular communications and (703) 872 9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

AAS
December 6, 2002


RUSSELL ADAMS
SUPERVISOR OF EXAMINER
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